

MINUTES OF COUNCIL

A regular session of Troy City Council was held on Monday, August 5, 2024, at 7:00 p.m. in Council Chambers, City Hall.

Members Attending: Marshall, Phillips, Pierce, Schilling, Severt, Snee, Twiss and Westfall.

Upon motion of Mr. Pierce, seconded by Mr. Phillips, Mr. Whidden was excused from this meeting by unanimous roll call vote.

Presiding Officer: William G. Rozell President of Council

Others Present: Robin I. Oda Mayor
Grant D. Kerber Director of Law

INVOCATION & PLEDGE OF ALLEGIANCE: An invocation was given by Council Member Severt, followed by the Pledge of Allegiance.

PUBLIC HEARING: At 7:04 p.m., Council President Rozell declared open a public hearing on Ordinance No. O-28-2024, the rezoning of parcel numbers D08-101816 and D08-006000, located at or near 518 E. Water Street, from M-2, Light Industrial District, to OR-1, Office-Residence District. No comments were made. The Clerk commented that an email was submitted by Carri Walters, a resident near the area proposed to be rezoned, supporting the rezoning. At 7:05 p.m., Mr. Rozell declared the public hearing closed.

MINUTES: The Clerk gave a summary of the minutes of the July 15, 2024, meeting of Troy City Council. There were no corrections or additions to these minutes. Upon motion of Mr. Pierce, seconded by Mr. Twiss, the minutes were approved by unanimous roll call vote.

COMMITTEE REPORTS:

Community & Economic Development Committee: Mr. Schilling, Chairman, reported as follows:

- 1) Committee recommends legislation be prepared authorizing the approval of a new \$200,000 loan from the Small Business Development (SBD) Revolving Loan Fund to the owners of Fermentum Enterprises LLC for funds to assist with the purchase of additional equipment to operate Crafted & Cured at 8 South Market Street. This loan was recommended by the Loan Review Committee. Committee supports emergency legislation so that the loan can be approved without delay and the equipment ordered.
- 2) Two annexation petitions were recently filed on behalf of the Waco Historical Society, Inc. to annex roadway on South Market Street (South County Road 25 A), adjacent to WACO. One petition is for a parcel of 2.300 acres and is known as the WACO – A Annexation. The other petition is for a parcel of 0.129 acres and is known as the WACO – B Annexation. Committee recommends that legislation be prepared to provide for the three legislative items required by state law related to the WACO - A Annexation (2.300 acres) and related to the WACO – B Annexation (0.129 acres). To meet the timeline of the state law for an expedited annexation, the Committee supports emergency legislation.

Reports submitted by Pierce, Snee and Schilling.

- 3) Committee met regarding the final plat of The Reserves at Cliff Oaks – Phase One subdivision and the dedication of Right-of-Way. This subdivision is located along Fenner Road, north of the Edgewater Subdivision. The plat conforms to the approved Preliminary Plan. At the time of the Committee Meeting, the Planning Commission had not yet provided a recommendation. On July 31 the Planning Commission provided a unanimous recommendation that Council approve the final plat of The Reserves at Cliff Oaks – Phase One subdivision and the dedication of Right-of-Way. Committee submitted a majority and minority report.

Majority Report: It is the recommendation of the undersigned that legislation be prepared accepting the final plat of The Reserves at Cliff Oaks – Phase One, and the dedication of Right-of-Way as the final plat is in conformance to the approved Preliminary Plan. This recommendation is contingent upon the approval and recommendation of the Planning Commission.

Submitted by Pierce and Snee.

Minority Report: It is the recommendation of the undersigned not to support the final plat of The Reserves of Cliff Oaks Subdivision. It is the opinion of the undersigned that the subdivision plan should be amended to have a shared, multi-use/recreational path along the boundary of the subdivision facing Fenner Road in lieu of a sidewalk. The undersigned recognizes that a multi-use/recreational path is not required under the current Zoning Code or Subdivision Regulations. However, the path would support the City of Troy's desire to be an alternate transportation and bicycle friendly community. These multi-use/recreational paths in lieu of sidewalks are standard in many other communities.

Submitted by Schilling.

Streets & Sidewalks Committee: Mr. Phillips, Chairman, reported that Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to advertise for bids and enter into a contract for the South Stanfield Road Reconstruction Phase 2 Project at a cost not to exceed \$1,795,000. Committee noted the amount exceeds the of \$1,500,000 budgeted amount, with the additional funds available within the fund balances of the funds supporting the project.

Report submitted by Schilling, Westfall and Phillips.

CITIZEN COMMENTS ON AGENDA ITEMS: None.

RESOLUTION NO. R-38-2024

RESOLUTION ESTABLISHING MUNICIPAL SERVICES FOR CERTAIN TERRITORY CONTAINING 2.300 ACRES, MORE OR LESS, IN CONCORD TOWNSHIP, PROPOSED TO BE ANNEXED TO THE CITY OF TROY, OHIO, AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

Mr. Pierce moved for suspension of rules requiring three readings. Motion seconded by Mr. Schilling.

Yes: Pierce, Snee, Phillips, Severt, Marshall, Westfall, Twiss and Schilling.

No: None.

Mr. Snee moved for adoption. Motion seconded by Mr. Pierce.

Yes: Snee, Phillips, Severt, Marshall, Westfall, Twiss, Schilling and Pierce.

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-39-2024

RESOLUTION ESTABLISHING BUFFER REQUIREMENTS FOR CERTAIN TERRITORY CONTAINING 2.300 ACRES, MORE OR LESS, IN CONCORD TOWNSHIP, PROPOSED TO BE ANNEXED TO THE CITY OF TROY, OHIO, AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

Mr. Twiss moved for suspension of rules requiring three readings. Motion seconded by Mr. Phillips.

Yes: Phillips, Severt, Marshall, Westfall, Twiss, Schilling, Pierce and Snee.

No: None.

Mr. Severt moved for adoption. Motion seconded by Mr. Pierce.

Yes: Severt, Marshall, Westfall, Twiss, Schilling, Pierce, Snee and Phillips.

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-40-2024

RESOLUTION CONSENTING TO THE ANNEXATION OF CERTAIN TERRITORY CONTAINING 2.300 ACRES, MORE OR LESS, IN CONCORD TOWNSHIP, TO THE CITY OF TROY, OHIO, AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

Mr. Pierce moved for suspension of rules requiring three readings. Motion seconded by Mr. Twiss.

Yes: Marshall, Westfall, Twiss, Schilling, Pierce, Snee, Phillips and Severt.

No: None.

Mr. Twiss moved for adoption. Motion seconded by Mr. Pierce.

Yes: Westfall, Twiss, Schilling, Pierce, Snee, Phillips, Severt and Marshall.

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-41-2024

RESOLUTION ESTABLISHING MUNICIPAL SERVICES FOR CERTAIN TERRITORY CONTAINING 0.129 ACRES, MORE OR LESS, IN CONCORD TOWNSHIP, PROPOSED TO BE ANNEXED TO THE CITY OF TROY, OHIO, AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

Mr. Pierce moved for suspension of rules requiring three readings. Motion seconded by Mr. Twiss

Yes: Twiss, Schilling, Pierce, Snee, Phillips, Severt, Marshall and Westfall.

No: None.

Mr. Twiss moved for adoption. Motion seconded by Mr. Pierce.

Yes: Schilling, Pierce, Snee, Phillips, Severt, Marshall, Westfall and Twiss.

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-42-2024

RESOLUTION ESTABLISHING BUFFER REQUIREMENTS FOR CERTAIN TERRITORY CONTAINING 0.129 ACRES, MORE OR LESS, IN CONCORD TOWNSHIP, PROPOSED TO BE ANNEXED TO THE CITY OF TROY, OHIO, AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

Mr. Pierce moved for suspension of rules requiring three readings. Motion seconded by Mr. Twiss.

Yes: Pierce, Snee, Phillips, Severt, Marshall, Westfall, Twiss and Schilling.

No: None.

Mr. Twiss moved for adoption. Motion seconded by Mr. Pierce.

Yes: Snee, Phillips, Severt, Marshall, Westfall, Twiss, Schilling and Pierce.

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-43-2024

RESOLUTION CONSENTING TO THE ANNEXATION OF CERTAIN TERRITORY CONTAINING 0.129 ACRES, MORE OR LESS, IN CONCORD TOWNSHIP, TO THE CITY OF TROY, OHIO, AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

Mr. Pierce moved for suspension of rules requiring three readings. Motion seconded by Mr. Twiss.

Yes: Phillips, Severt, Marshall, Westfall, Twiss, Schilling, Pierce and Snee.

No: None.

Mr. Twiss moved for adoption. Motion seconded by Mr. Pierce.

Yes: Severt, Marshall, Westfall, Twiss, Schilling, Pierce, Snee and Phillips.

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-44-2024

RESOLUTION APPROVING THE APPLICATION OF FERMENTUM ENTERPRISES LLC FOR LOAN ASSISTANCE FROM THE SMALL BUSINESS DEVELOPMENT REVOLVING LOAN FUND AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

Discussion. Mr. Severt stated his understanding that the loan applicants now own the building at 8 S. Market Street and the loan is only to purchase equipment and not related to the purchase of the building.

Mr. Pierce moved for suspension of rules requiring three readings. Motion seconded by Mr. Twiss.

Yes: Marshall, Twiss, Schilling, Pierce, Snee, Phillips and Severt.

No: None.

Abstain: Westfall (for personal reasons).

Mr. Twiss moved for adoption. Motion seconded by Mr. Pierce.

Yes: Twiss, Schilling, Pierce, Snee, Phillips, Severt and Marshall.

No: None.

Abstain: Westfall (for personal reasons).

RESOLUTION ADOPTED

ORDINANCE NO. O-28-2024

AN ORDINANCE CHANGING THE ZONING OF PARCEL NUMBERS D08-101816 AND D08-006000, LOCATED AT OR NEAR 518 E. WATER STREET, IN THE CITY OF TROY, OHIO, FROM M-2, LIGHT INDUSTRIAL DISTRICT, TO OR-1, OFFICE-RESIDENCE DISTRICT

This Ordinance was given first title reading on July 15, 2024.

Given public hearing and second title reading.

ORDINANCE NO. O-29-2024

ORDINANCE DETERMINING TO PROCEED WITH THE SOUTH STANFIELD ROAD RECONSTRUCTION PHASE 2 PROJECT, AND AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE SOUTH STANFIELD ROAD RECONSTRUCTION PROJECT PHASE 2

This Ordinance was given first title reading.

Mr. Phillips moved for suspension of rules requiring three readings. Motion seconded by Mr. Schilling.

Yes: Twiss, Schilling, Pierce, Snee, Phillips, Severt, Marshall and Westfall.

No: None.

Mr. Twiss moved for adoption. Motion seconded by Mr. Pierce.

Yes: Schilling, Pierce, Snee, Phillips, Severt, Marshall, Westfall and Twiss.

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-30-2024

ORDINANCE ACCEPTING THE FINAL PLAT OF THE RESERVES AT CLIFF OAKS SUBDIVISION – PHASE ONE IN THE CITY OF TROY, OHIO AND DEDICATING RIGHT-OF-WAY

This Ordinance was given first title reading.

Mr. Phillips moved for suspension of rules requiring three readings. Motion seconded by Mr. Pierce.

Yes: Pierce, Snee, Phillips, Severt, Marshall, Westfall and Twiss.

No: Schilling.

Mr. Pierce moved for adoption. Motion seconded by Mr. Phillips.

Yes: Snee, Phillips, Severt, Marshall, Westfall, Twiss and Pierce.

No: Schilling.

ORDINANCE ADOPTED

COMMENTS OF THE MAYOR:

Mayor Oda noted that a town hall event will be held August 15 at 6:00 p.m. at the Troy Jr. High School Library regarding the Comprehensive Plan update.

COMMENTS OF MEMBERS OF COUNCIL:

-Mrs. Snee noted that the annual Mayors' Concert will be held August 18 at 7:00 p.m. on the Public Square.

-Mr. Pierce thanked the elected officials who participated in the annual employee and volunteer picnic.

-Mr. Severt stated he had received a call about the unattractive weeds at the bleachers of the N. Market Street Ballfield.

-Mr. Schilling, regarding the Minority Report he submitted opposing the Final Plat of The Reserves a Cliff Oaks Subdivision, commented that he is looking at how things could or should be and for the future of Troy 25 years from now; he believes Troy should benefit from good ideas of other communities; that developers should provide recreation and multi-use trails as developments are built so they are in place to connect to other trails and provide another transportation source; and the City should not have to spend funds to add such trails in the future to provide safe transportation. He further commented that the City has asked developers to make changes and additions in other developments or pays for oversizing, and he believes this should be explored with the developer of this subdivision to determine what it would cost to include a trail now, and noted that the City has made other Zoning Code amendments without waiting for a comprehensive revision.

-Mrs. Snee commented that she appreciates Mr. Schilling's explanation; that she could not support what could have resulted from requiring a developer to install a recreation or multi-use trail when such is not required by current zoning or regulations; and she looks forward to further discussion of the subject with the pending update to the Comprehensive Plan and Zoning Code.

-Mr. Phillips noted that a neighboring community imposed a requirement on a developer when that requirement was not required by current codes or regulations with the result that that community had to pay a large amount to the developer as a result of a law suit.

COMMENTS OF MEMBERS OF THE AUDIENCE:

-Steve Henriksen, 975 Dickerson Drive, stated his support for the position of Mr. Schilling in requiring a developer to install a recreation or multi-use trail.

-Gary Weaver, 1313 Skylark Drive, stated that a few years ago he and his wife paid for and donated to the City a gazebo and bike station on the bike path near the golf course, and it was used a great deal. Mr. Weaver commented that recently it has been taken over by a homeless person and people avoid the gazebo, and the City has not replaced the bike tools that were vandalized over two years ago. Mr. Kerber commented that conversations have been held by City staff members regarding some of the concerns voiced by Mr. Weaver, and that further discussions will be held to determine possible courses of action.

-Ken Willis, 126 Merry Robin Road, stated he understands some of the rationale for the removal of the Low Head Dam, but has concerns about the long-term plan for development and asked if options to removal of the dam could be considered. It was stated that additional information will be provided to Mr. Willis.

There being no further business, Council adjourned at 7:47 p.m.

City – trade

3 yr old bld powered by power card where 30K people walk across

nevr compromise zoning or bldg. cods

looking to change how city approaches developemtn.

we can change how things are at cliff oaks

oversize util ad pay cost

oversie sede to start a recreation trail

cpnnect between city ad brulkenr looking 25 yr in the ftur

done annex

have been other oce chanes

could do now to borer all neew sub and devel.

Council should require side in all zoning areas, lilek ex farm'

people haediff find wa to work but sidewalk multn use trail would help

should be cost of dooing bus to annexland

cait just waave ti and hope make right decisions

Snee – apprec explan

on this part item, by changeig req and did t want to open the city up, have to look to reg in place,

look forward to dis on rec trails and sidewalks at discussion on aug 15 as want to do when think about planning for ftr.

bp – commun to south that wasked decel and dev suded and walked away with millions and putting insit is not what should be done, wasteful and ileg. agree that looking at items comint ing the future as very positiove ove.

in future will be abble o do it/

audience

steve Hendrik 975 Dicker

support Mr. Schilling, if cannot sat word if rules filed huan people can say better way to do in cooperative way with developers, they are not trying to bbuld junkd. why not aks can you do this and will it cost lot of mone following by rles makes y,ou all superfulos.

Weaver, few years ago dontated gazebo and bke station at miamim shores, used a lot,

in the last month or so, homeless gentleman livig and sleep on topo f table. he was there today, stuff scatted all over and will not get people to stop, said cannot do anythibg as pblic proper; almost 2 yr ago equ cut off and vandalized, and 2 yr not replaced

Mr Kerber, ucoming meetings to discuss some of his cpncer and they have been heard

Ken Willis, 126 Merry Robin, thank you for service, has concern about eliminating low head dam protect boaters (but never see as problem) allow fish migration, this will eliminate aesthetic of the downtown to a stream, considered options to removing dam (maybe step system) lot of money in the east end, and what long term plan is for development and were get access
Mayor on website, with all meetings and apps

7:47

-Mrs. Snee thanked the citizens who attended the July 13 open meeting hosted by the Councilmembers-at-Large.
-Mrs. Snee thanked the members of the City Beautification Committee who volunteer their time to make the City beautiful and welcoming.
-Mr. Severt also thanked the citizens who attended the open meeting on July 13, stated that several comments received have been passed on to the City administration, and noted that comments included requesting more police presence at Boyer Park and finding ways to post tips regarding appropriate and safe river usage as the Great Miami River is central to the development of the riverfront area.

COUNCIL PRESIDENT COMMENTS: Mr. Rozell stated he has received compliments about the July 4 Fireworks.

There being no further comments, Council adjourned at 7:52 p.m.